IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

Crl.Rev.Pet.No. 67 of 1998(A)

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CRA.225/1994 of ADDL. SESSIONS COURT, THRISSUR
SC NO.225/1993 OF ASSISTANT SESSIONS JUDGE, THRISSUR.

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REVN. PETITIONER: APPELLANT/ACCUSED

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1. ASHOKAN
   POTTANATTU HOUSE
   MARATHAKKARA
   THRISSUR.

2. HARIDAS
   ARAKKAL HOUSE, MARATHAKKARA
   THRISSUR.

3. BIJU
   PATTAR MADOM
   (WRONGLY SHOWN IN THE IMPUGNED ORDERS AS PATTARUMADATHIL)
   MARATHAKKARA.

BY ADV. SMT.SREELETHA PUTHALATH

RESPONDENTS: RESPONDENT/STATE

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STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 15/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.R.P.NO.67/1998

ORDER ON CRL.M.P.NO.406/1998 IN CRL.R.P.NO.67/1998

DISMISSED

15.6.2007 SD/- K.R.UDAYABHANU, JUDGE

/TRUE COPY/

P.A. TO JUDGE

**K.R.UDAYABHANU, J**

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Crl.R.P.No.67 of 1998

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Dated this the 15th day of June, 2007

**O R D E R**

The revision petitioners stand charge sheeted for the offences under Sections 341, 324, 448, 307 read with Section 34 IPC. They were acquitted of the offences under Section 324, 341 and 448 read with Section 34 IPC and convicted for the offence under Section 307 read with 34 IPC and as modified by the appellate court, to undergo R.I. for two years and to pay fine of Rs.5,000/- each and in default, to undergo simple imprisonment for three months.

2. The prosecution case is that the accused who are the activists of the B.J.P. on account of political enmity attacked PW2, who is the activist of DYFI at the time when he was riding his bicycle on 8.2.1993 at about 1.15 p.m. with swords. The evidence adduced in the matter consisted the testimony of PW1s' 1 to 17, Exts. P1 to P19 and Mos' 1 to 14. The injuries sustained are as follows:

(i) Incised wound about 15 cms., anterior aspect of right elbow, cutting muscles and vessels and exposing the elbow joint;

(ii) Incised wound with skin loss 5 x 2 cms., oval shape, parietal region left side; and

(iii) Two incised wounds anterior aspect of forearm, skin deep.

3. Counsel for the revision petitioners have sought for modification of the sentence pointing out that the incident has taken place in February, 1993. Fourteen years have elapsed since the incident and the commencement of the proceedings. He has further submitted that A3 was at the time only aged 18 and the rest of the accused in their 20's. It is further submitted that they have subsequently married and are having children and are leading peaceful lives. It is also submitted that the incident was on account of political enmity and that they have settled their differences.

4. In the circumstances, the sentence is modified to imprisonment already undergone during the pretrial period and

to remit a fine of Rs.30,000/- each and in default, to undergo simple imprisonment for six months each. The entire fine amount, if realised, shall be paid to PW2 the victim.

The criminal revision petition is disposed of accordingly.

**K.R.UDAYABHANU,**
**JUDGE**

csl